IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.802 OF 2006

IN

CRIMINAL APPLICATION NO.2933 OF 2006

Suresh Gautam Kamble .. ..Applicant

Versus

The State of Maharashtra .. ..Respondent

Mr.V.V.Purwant for applicant

Mr.S.S.Pednekar, APP for State

CORAM : S.C.DHARMADHIKARI,J.

DATE : 22nd NOVEMBER, 2006

P.C.:

1. The applicant original accused by this application has prayed for relaxing the condition imposed by this court restraining his entry in Solapur District till the conclusion of the trial.

2. Mr. Purwant submits that at the time when the

condition was imposed by this court on the accused, who has been enlarged on bail, inadvertently it could not be pointed out that the applicant is serving in Post Office, Shripat Pimpari in Barshi Taluk, which is in Solapur District. In the light of the fact that the applicant is restrained from entering Solapur District he has been unable to report for work. He has now received a notice to resume duties, failing which the authorities have threatened that disciplinary action will be taken against him.

3. It is in the peculiar facts of the present applicant that Shri Purwant applies for relaxation of the conditions.

4. He submits that the applicant presently residing in Paranda Taluka in Usmanabad District and the distance from the place of his residence to Shripat Pimpari is about 40 kms.

5. The learned APP has brought to my notice that the condition has been imposed considering the nature of the dispute which led to the incident.

6. In my view, interest of justice would be subserved if the condition is relaxed only to the extent of permitting the applicant to report for work at Shripat Pimpari Post Office daily but the applicant shall not reside either at Shripat Pimpri or in Barshi Taluka and must leave the limits of Solaplur District every day after working hours.

7. The application is allowed to the above extent. Needless to state that on working days and during working hours the applicant shall be permitted to enter the Solapur District.

(S.C.Dharmadhikari, J.)